

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

SEDRICK YARBROUGH,

Plaintiff,

vs.

GIBSON COUNTY SHERIFF'S  
DEPARTMENT and SHERIFF PAUL  
THOMAS,

Defendants.

No. 22-1216-SHM-tmp

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**ORDER DISMISSING THE COMPLAINT (ECF NO. 1) WITH PREJUDICE;  
AND CLOSING THE CASE**

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On October 5, 2022, Plaintiff Sedrick L. Yarbrough filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 (ECF No. 1) and a motion to proceed *in forma pauperis*. (ECF No. 2.) When Yarbrough filed the complaint, he was confined at the Gibson County Correctional Complex (the “GCCC”), in Trenton, Tennessee. (ECF No. 1 at PageID 2.) On October 27, 2022, the Court granted leave to proceed *in forma pauperis* and assessed the three hundred and fifty dollar (\$350.00) filing fee in accordance with the Prison Litigation Reform Act, 28 U.S.C. §§ 1915, *et seq.* (the “PLRA”). (ECF No. 6.) On January 17, 2023, Yarbrough notified the Court that Yarbrough had been released from confinement. (ECF No. 14.) On April 24, 2023, the Court: (1) dismissed the complaint (ECF No. 1) without prejudice; (2) granted leave to amend; and (3) denied Yarbrough’s motion for appointment of counsel (ECF No. 7). (ECF No. 15 (the “Screening Order”).) Yarbrough’s deadline to amend the complaint was Monday, May 15, 2023. (*Id.* at

PageID 83.) Yarbrough did not file amended claims and did not seek an extension of time to do so.

On June 6, 2023, the copy of the Screening Order that the Clerk of Court had mailed to Yarbrough at his address of record (*see* ECF No. 14) on April 24, 2023 was returned as undeliverable. (ECF No. 16.)

As of the date of this Order, the TDOC's Felony Offender Information website shows that Yarbrough is deceased. (*See* <https://foil.app.tn.gov/foil/details.jsp> (showing that Sedrick Lavarous Yarbrough, with assigned inmate number 00373210, and is deceased) (last accessed June 29, 2023).)

Yarbrough's personal representative has not appeared in this case. *See* Fed. R. Civ. P. 25(a).<sup>1</sup> Yarbrough's death renders further proceedings in this case moot. Furthermore, the claims in Yarbrough's complaint would not proceed for the reasons explained in the Screening Order. (*See* ECF No. 15 at PageID 78-79.)

For these reasons, and due to Yarbrough's death, the complaint (ECF No. 1) is DISMISSED WITH PREJUDICE.

The Clerk is directed to mark this case CLOSED.

IT IS SO ORDERED, this 29th day of June, 2023.

/s/ Samuel H. Mays, Jr.

SAMUEL H. MAYS, JR.

UNITED STATES DISTRICT JUDGE

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<sup>1</sup> "If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed." Fed. R. Civ. P. 25(a).